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PATENT  
Attorney Docket No. 203-1544 CIP CON III (1695 CIP CON3)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Dominick L. Mastri et al. EXAMINER: Scott A. Smith  
SERIAL NO: 09/625,886 GROUP: 3721  
FILED: July 26, 2000 DATE: January 25, 2005  
FOR: SURGICAL STAPLER

*See copy*

Mail Stop: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. §1.182 OR IN THE ALTERNATIVE,  
37 C.F.R. §1.78 (a)(3), TO ACCEPT AN UNINTENTIONAL DELAYED  
CLAIM UNDER 35 U.S.C. §120 FOR THE BENEFIT OF A PRIOR  
FILED APPLICATION**

Dear Sir:

Applicants hereby petition for the benefit of earlier filed U.S. application Serial No. 08/546,253 ("253 application") which was filed October 20, 1995 and was inadvertently omitted from the original claim for priority. The entire delay between the date the claim for priority was due and the date the claim for priority was filed was unintentional. Submitted with this petition is an amendment to the above-identified application including the reference to the '253 application required under 35 U.S.C. §120.

**CERTIFICATE OF MAILING 37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage paid in an envelope, addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 25, 2005.

*Christopher G. Trainor*  
Christopher G. Trainor

02/04/2005 AWONDAF1 00000104 210550 09625886

01 FC:1454 1370.00 DA  
Adjustment date: 04/15/2005 AXELLEY  
02/04/2005 AWONDAF1 00000104 210550 09625886  
01 FC:1454 1370.00 CR

Please charge the surcharge set forth in 37 C.F.R. §1.17(h) of \$130.00 as required under 37 C.F.R. §1.182 to Deposit Account No. 21-0550. In the alternative, if this petition is properly filed under 37 C.F.R. §1.78(a)(3), please charge the surcharge set forth in 37 C.F.R. §1.17(t) of \$1,370.00 to Deposit Account No. 21-0550.

The Commissioner is authorized to charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or §1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. TWO (2)

COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,

*Christopher G. Trainor*

Christopher C. Trainor  
Reg. No. 39,517  
Attorney for Applicants

CARTER, DELUCA, FARRELL & SCHMIDT, LLP  
445 Broad Hollow Road, Suite 225  
Melville, New York 11747  
Telephone: (631) 501-5700  
Facsimile: (631) 501-3526  
CGT:sf

**Correspondence Address:**

Chief Patent Counsel  
U.S. Surgical, a Division of  
Tyco Healthcare Group LP  
150 Glover Avenue  
Norwalk, CT 06856  
Telephone: (203) 845-4489  
Facsimile: (203) 845-4266

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>4/14/05</u>		2 Serial/Patent # <u>09/625,886</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
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8 TO BE REFUNDED BY:											
		Treasury Check									
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		9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>2</td><td>1</td><td>--</td><td>0</td><td>5</td><td>5</td><td>0</td></tr></table>			2	1	--	0	5	5	0
2	1	--	0	5	5	0					
10 REASON:											
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11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Derek L. Woods</u>		TITLE: <u>Attorney</u>									
SIGNATURE: <u>[Signature]</u>		PHONE: <u>571-272-3232</u>									
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